

**DECLARATION**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **NON-THROMBOGENIC COATING COMPOSITION AND METHODS FOR USING SAME** the specification of which \_\_\_\_ is attached hereto or X was filed on September 22, 1998 as Application No. 09/159,276 and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/068,374	December 22, 1997

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Last Name: <b>TSANG</b>	First Name: <b>RAY</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Salt Lake City</b>	State/Foreign Country: <b>Utah</b>	Country of Citizenship: <b>HK</b>	
Post Office Address:	Post Office Address: <b>1928 W. Sir Timothy Avenue</b>	City: <b>Salt Lake City</b>	State/Country: <b>Utah</b>	Postal Code: <b>84116</b>
Full Name of Inventor 2:	Last Name: <b>OSAKI</b>	First Name: <b>SHIGEMASA</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Sandy</b>	State/Foreign Country: <b>Utah</b>	Country of Citizenship: <b>US</b>	
Post Office Address:	Post Office Address: <b>2221 E. Klosters Circle</b>	City: <b>Sandy</b>	State/Country: <b>Utah</b>	Postal Code: <b>84093-1040</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

<p>Signature of Inventor 1</p> <p><i>Ray Tsang</i></p> <p>RAY TSANG</p>	<p>Signature of Inventor 2</p> <p><i>[Signature]</i></p> <p>SHIGEMASA OSAKI</p>	<p>Signature of Inventor 3</p> <p>_____</p>
<p>Date 2-5-99</p>	<p>Date 2/4/99</p>	<p>Date</p>

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**POWER OF ATTORNEY BY ASSIGNEE**

**INNERDYNE, INC.**, located at 1244 Reamwood Avenue, Sunnyvale, CA 94089 is the Assignee of the invention entitled:

**NON-THROMBOGENIC COATING COMPOSITION AND METHODS FOR USING SAME**

The specification of which      is attached hereto or XX was filed on September 22, 1998 as Application No. 09/159,276.

The Assignment accompanying this Power of Attorney has been reviewed by the undersigned. The undersigned certifies that to the best of the undersigned's knowledge and belief, title is in the Assignee. The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James M. Heslin, Reg. No. 29,541  
Gary T. Aka, Reg. No. 29,038  
Robert C. Colwell, Reg. No. 27,431  
Paul C. Haughey, Reg. No. 31,836  
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650/326-2400

**INNERDYNE, INC.**

Date: 2/1/99

By: 

Title: Vice President, R&D

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN**

Applicant or Patentee: RAY TSANG et al.  
 Application or Patent No.: 09/159,276  
 Filed or Issued: SEPTEMBER 22, 1998  
 Title: NON-THROMBOGENIC COATING COMPOSITION AND METHODS FOR USING SAME

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: InnerDyne, Inc.  
 Address of Small Business Concern: 1244 Reamwood Avenue  
Sunnyvale, CA 94089

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled NON-THROMBOGENIC COATING COMPOSITION AND METHODS FOR USING SAME by inventor(s) described in:

- ☐ the specification filed herewith;  
☒ Application No. 09/159,276 filed SEPTEMBER 22, 1998;  
☐ Patent No. \_\_\_\_\_ issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: MICHAEL J. ORTH  
 Title of Person if Other than Owner: VICE PRESIDENT, R&D / OFFICE  
 Address of Person Signing: 1244 Reamwood Avenue  
Sunnyvale, CA 94089

Signature Michael J. Orth Date 1 February 1999